

**IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE
DISTRICT OF ALABAMA SOUTHERN DIVISION**

NANCY MARTIN and,)
MARY BETH BRACKIN,)

Plaintiffs,)

v.)

Case No. 1:05-CV-1172-MEF

CITY OF DOTHAN and JUDGE)
ROSE EVANS-GORDON,)

Defendants.)

**PLAINTIFFS' MOTION TO ENLARGE THE TIME IN WHICH TO
RESPOND TO DEFENDANTS' MOTION FOR SUMMARY JUDGMENT**

Defendants' filed their motion for summary judgment and filed with it a comprehensive brief of approximately 100 pages and numerous supporting documents. This Court on November 29, 2007 issued an Order directing the Plaintiff's to respond to Defendants' motion on or before December 13, 2007. For the following reasons the Plaintiffs, by and through their counsel of record moves this Court to enlarge this time to sometime after the Christmas holidays.

Plaintiffs' counsel is a one attorney practice with no support staff. Counsel for the Defendants has submitted a massive multi-part brief with an equally massive supporting document tail. To thoughtfully respond Defendants

complex legal and factual arguments will take time-time that a sole practitioner has in short supply. For instance, just last Friday, counsel had to prepare an Appellate brief on behalf of a client for submission to the Alabama Court of Civil Appeals. The due date of this brief was December 2, 2007. In addition to this appellate brief, counsel had to relocate his office since the building where he was situated was condemned and all tenants above the first floor had to vacate by November 30, 2007 Counsel could not even start on, or examine, Defendants' submissions until after this was done.

While working on Plaintiffs' response, which requires reviewing and noting several depositions, several of which are quite lengthy, and numerous documents, in addition to researching the law requires the suspension of my entire practice. Because this case, like all of my cases, is important, and counsel need to give it his fullest attention, more preparation time is needed. The Plaintiffs deserve no less. Counsel can not give this case the attention that it requires within the time limit placed by the Court. Sure, a cursory treatment could be administered and something put together within the time provided but it would be fair neither to the Plaintiffs nor to this Court.

The Defendants will not be prejudiced by this delay. Conversely, the Plaintiffs will suffer greatly if counsel work on this case has to be truncated to bring it in within the time currently set by the Court. The Defendants' advances

some good arguments which must be thoughtfully analyzed and addressed.

Summary judgment, if granted, is the death knell of the case and forecloses further relief. The ends of justice will be furthered by the Court granting the requested enlargement or in the alternative, an enlargement of at least 10 days from the current due date.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on December 4, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Theodore P. Bell
Carol Sue Nelson
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/s/Ishmael Jaffree
Ishmael Jaffree